

Article - Family Law

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§5–712.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) “Emergency medical treatment” means medical or surgical care rendered by a provider in a laboratory, health care facility, or child advocacy center to a child under this section:

1. to relieve any urgent illness, injury, severe emotional distress, or life-threatening health condition; or

2. to determine the existence, nature, or extent of any possible abuse or neglect.

(ii) “Emergency medical treatment” includes, if appropriate, the use of telemedicine to achieve a timely expert diagnosis of child abuse or neglect.

(3) “Expert child abuse or neglect care” means the diagnosis or treatment of child abuse or neglect provided by:

(i) a physician;

(ii) a multidisciplinary team or multidisciplinary team member;

(iii) a health care facility; or

(iv) a staff member of a health care facility who is an expert in the field of abuse and neglect.

(4) “Multidisciplinary team” means a group of professionals with expertise in various professional disciplines who provide consultation, treatment, and planning in cases of child abuse and neglect.

(5) “Provider” includes a physician, multidisciplinary team or multidisciplinary team member, a child advocacy center, a health care facility, or health care facility personnel.

(b) Any provider who is licensed or authorized to practice a profession in this State shall examine or treat any child, with or without the consent of the child’s

parent, guardian, or custodian, to determine the nature and extent of any abuse or neglect to the child if the child is brought to the provider:

- (1) in accordance with a juvenile court order;
- (2) by a representative of a local department of social services who states that the representative believes the child is an abused or neglected child;
- (3) by a police officer who states that the officer believes that the child is an abused or neglected child; or
- (4) by an individual required under § 5–704 of this subtitle to report suspected child abuse or neglect.

(c) If a provider examines a child under subsection (b) of this section and determines that emergency medical treatment or expert child abuse or neglect care is indicated, the provider may treat the child, with or without the consent of the child's parent, guardian, or custodian.

(d) A provider who examines or treats a child under this section shall have the immunity from liability described under § 5–621 of the Courts and Judicial Proceedings Article.

(e) (1) In accordance with regulations adopted by the Secretary of Health, the Maryland Department of Health shall pay for emergency medical treatment charges that are incurred on behalf of a child who is examined or treated under this section.

(2) The child's parent or guardian is liable to the Maryland Department of Health for the payments and shall take any steps necessary to secure health benefits available for the child from a public or private benefit program.

(3) The local department shall:

(i) immediately determine whether a child treated or examined under this section is eligible for medical assistance payments; and

(ii) secure medical assistance benefits for any eligible child examined or treated under this section.

(f) To the extent possible, the Governor shall include in the annual State budget funds for the payment of emergency medical treatment for children examined or treated under this section.

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